

Workman Nydegger

1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Phone: (801) 533-9800
Fax: (801) 328-1707

RECEIVED
CENTRAL FAX CENTER
DEC 08 2004

FAX TRANSMISSION COVER SHEET

Date: December 8, 2004
To: United States Patent & Trademark Office
Group Art Unit 2800
Fax: 703-872-9306
Phone: 571-272-2800
Re: Serial No.: 10/028,437
Our Docket No.: 15436.437.3
Sender: Eric L. Maschoff

YOU SHOULD RECEIVE 19 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 801-533-9800

Comments:

PRIVILEGED AND CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

RECEIVED
CENTRAL FAX CENTER

WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

DEC 08 2004
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

FILED VIA FACSIMILE

PATENT APPLICATION
Docket No. 15436.437.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

James A. Cox, et al.

Serial No.:

10/028,437

Art Unit

Filed:

December 28, 2001

2828

For:

VERTICAL CAVITY SURFACE
EMITTING LASER HAVING
A GAIN GUIDE APERTURE
INTERIOR TO AN OXIDE
CONFINEMENT LAYER

Confirmation No.:

4433

Customer No.:

022913

Examiner:

Hung T. Vy

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment for entry in the above-identified application.

X To render the transmitted Amendment and Response to Office Action timely filed, enclosed are the following:

X Petition for Three-Month Extension of Time under 37 CFR 1.17; and

RICK D. NYDEGGER
BRUCE P. LORIMER
THOMAS R. VURSINK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STUNGHAM
JOHN M. CAYTON
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE
STIKLING A. BRENNAN
R. BURNS ISRAELSON
DAVID R. TODD
GREGORY M. TAYLOR
DAVID B. DULLENHART
L. DAVID GRIFFIN
ADRIAN J. LEE
FRANK D. ROY
CARL T. REED



R. PARKIN FREEMAN, JR.
PETER E. MARSH, JR.
L. REX SEARS, P.E.
WILLIAM H. RICHTER
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGLER
WILLIAM J. ATTHAY
MICHAEL B. DODD
RYAN D. BENSON
SARA D. JONES
TIGHE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OGDHAM
MICHAEL J. FROUSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BAILOW
WESLEY C. ROSENBERG
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
DAVID J. LORENZ
RYAN N. FAIR
JAMES B. BELYH

X PTO-2038 Credit Card Payment Form in the amount of \$1020.00 to cover the fee for the extension of time.

X Terminal Disclaimer.

X A Certificate of Facsimile Transmission.

X No additional fee is required.

The fee has been calculated as follows.

			SMALL ENTITY		LARGE ENTITY	
CLAIMS REMAINING AFTER	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD'T'L FEE	RATE	ADD'T'L FEE
Total =	MINUS 24	= 0	X		X	0.00
Independent =	MINUS 3	= 0	x		X	0.00
1 st PRESENTATION OF MULTIPLE DEPENDENT CLAIM			++		++	
			TOTAL		TOTAL	0.00

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Triplicate copies of this sheet are attached.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17.

Dated this 8th day of December, 2004.

Respectfully submitted,



Eric L. Maschoff
Registration No. 36,596
Attorneys for Applicant
Customer No. 022913

DEC 08 2004

PATENT APPLICATION
Docket: 15436.437.3

In re application of

James A. Cox, et al.

Serial No.: 10/028,437

Filed: December 28, 2001

For: VERTICAL CAVITY SURFACE EMITTING
LASER HAVING A GAIN GUIDE
APERTURE INTERIOR TO AN OXIDE
CONFINEMENT LAYER

Confirmation No.: 4433

Customer No.: 022913

Examiner: Hung T. Vy

CERTIFICATE OF FACSIMILE TRANSMISSION

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

I hereby certify that this paper is being transmitted via facsimile at facsimile number 801-328-1707 to the Patent and Trademark Office to phone no. 703-872-9306 (Formal Fax No.) on the date shown below.

- Transmittal Letter (2 pages)
- Petition for Three-Month Extension (2 pages)
- Credit Card Payment Form in the amount of \$1020.00
- Amendment "A" (10 pages)
- Terminal Disclaimer (3 pages)

Dated this 8th day of December, 2004.

Respectfully submitted,

王正廷

Eric L. Maschoff
Attorney for Applicant
Registration No. 36,596
Customer No. 022913

RECEIVED
CENTRAL FAX CENTER

DEC 08 2004

FILED VIA FACSIMILE

PATENT APPLICATION
Docket No. 15436.437.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	James A. Cox, et al.)
Serial No.:	10/028,437) Art Unit
Filed:	December 28, 2001) 2828
For:	VERTICAL CAVITY SURFACE EMITTING LASER HAVING A GAIN GUIDE APERTURE INTERIOR TO AN OXIDE CONFINEMENT LAYER)
Confirmation No.:	4433)
Customer No.:	022913)
Examiner:	Hung T. Vy)

AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office action mailed June 8, 2004 (the "Office Action"), please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.